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Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-ninth year

Identical letters dated 29 December 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

As 2004 comes to a close, the situation on the ground in the Occupied Palestinian Territory, including East Jerusalem, continues to be critical as the Palestinian people continue to suffer loss and hardship as a result of the illegal policies and practices of Israel, the occupying Power. During the past year, the Israeli occupying forces inflicted nearly 1,000 more deaths and thousands more injuries on the Palestinian civilian population and caused massive destruction of homes, properties, land and infrastructure throughout the Occupied Palestinian Territory, particularly in and around the refugee camps of the Gaza Strip. The occupying Power continued to commit serious violations and grave breaches of international law, including war crimes and State terrorism, against the civilian population under its occupation, causing widespread devastation and suffering and deepening the humanitarian crisis.

Even as the Palestinian people mourned the loss of their leader, President Yasser Arafat, who died on 11 November 2004 after four decades of valiantly leading his people in their just struggle to achieve their inalienable right to self-determination, Israel, the occupying Power, continued to wage its military campaign against them. During this period, as reflected in the annexed list of martyrs, the occupying Power inflicted almost daily casualties on the Palestinian civilian population, killing and injuring children, women and men. In one day alone, on 17 December 2004, an Israeli raid on the Khan Younis refugee camp in Gaza left 12 Palestinians dead and injured more than 40 others. Dozens of homes were also bulldozed during the assault, rendering hundreds more people homeless, and extensive damage was caused to electricity lines and roads in the camp. In total, since our last letter, at least 113 Palestinians, including 15 children, have been killed as a result of the ongoing violence and attacks, including extrajudicial executions, perpetrated by the Israeli occupying forces.

At the same time, the occupying Power has continued to impose measures of collective punishment on the Palestinian people, including ongoing restrictions on

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freedom of movement through the imposition of closures and curfews and by means of the hundreds of checkpoints and roadblocks it continues to operate, as well as by its continuing unlawful construction of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, the gravest such measure in this regard. In addition, Israel continues to pursue its illegal settlement campaign, building and expanding settlements and expanding its network of bypass roads for the sole use of the illegal Israeli settlers. These illegal measures have perpetuated the isolation and suffocation of the Palestinian population in several Bantustans and continue to cripple the Palestinian economy, preventing its recovery and rehabilitation, and have seriously hampered the election process. In this regard, despite the assurances given by the occupying Power that it would not hinder the election process, it continues to impose restrictions on movement, preventing candidates from campaigning and creating obstacles for the registration process for the presidential elections. Moreover, there have been several instances of candidates being harassed, humiliated and even beaten by the occupying forces. Needless to say, the occupying forces have not withdrawn from the Palestinian population centres, a necessary step for the conduct of smooth, free and fair elections.

The international community, in accordance with the rules and principles of international law, including international humanitarian law, has clear responsibilities in terms of ensuring the proper conduct of the occupying Power, including compliance with its legal obligations and commitments, and we continue to express our strongest hopes that the necessary measures will be taken in this regard.

The present letter is in follow-up to our previous 209 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 25 October 2004 (A/ES-10/290-S/2004/856) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my profound regret to inform you that, since my last letter to you, at least 113 more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,552. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 29 December 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Tuesday, 26 October 2004 to Monday, 27 December 2004)

Tuesday, 26 October 2004

1. Mahmoud Asaad Almana'ami
2. Abdelaziz Mohammed Maamar
3. Salman Youssef Suleiman Al-Safadi (18 years old)

Wednesday, 27 October 2004

Issam Ghazi Hassan Taima

Thursday, 28 October 2004

1. Ranya Ayad Arram (8 years old)
2. Mohammed Fadil Abu Etta (17 years old)
3. Ibrahim Mohammed Issa Al-Fayed

Saturday, 30 October 2004

Ibrahim Mohammed Ibrahim Kamil (14 years old)

Sunday, 31 October 2004

Ammar Nassir Ghawadra

Monday, 1 November 2004

1. Mohammed Khalil Al-Kayed
2. Bashar Sami Zeyara (12 years old)

Tuesday, 2 November 2004

1. Fady Samer Nour Al-Sarwan
2. Jihad Omar Abu Salha
3. Majdi Waddah Mohammed Marii

Wednesday, 3 November 2004

1. Fady Kaficha
2. Raafat Samir Alhams

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,552.

Thursday, 4 November 2004

1. Raed Salim Tawfeeq Kourawi
2. Jazia Abderrahim Al-Farroukh
3. Mohammed Hassan Abdeljawad Abu Hadwan

Friday, 5 November 2004

1. Ahmed Mohammed Alsamiri (8 years old)
2. Mohammed Musa'ad Alsamiri (9 years old)

Saturday, 6 November 2004

1. Mohammed Ahmed Shaker Jaidi
2. Mohammed Jad Khalil Saadiya
3. Ala'a Hisham Samara (14 years old)
4. Rami Mohammed Al-Ramlawi
5. Ramzi Mohammed Al-Jaabir
6. Omar Abdelaziz Nawfal

Sunday, 7 November 2004

1. Amin Fawzi Abdelrahim Hamdan Mansour
2. Ahmed Mohammed Fadil Masharqa
3. Amin Jamal Abu Al-Kamel
4. Fadi Khoudar Ighbariya
5. Mohammed Mahmoud Salahedine Tahmi

Tuesday, 9 November 2004

1. Qadry Fayez Abdullah Ashour
2. Asaad Fathi Jouda
3. Mohammed Jamil Matar

Wednesday, 10 November 2004

1. Fathi Issa Altal
2. Mohammed Abdelrahman Al-Mabhouh
3. Jihad Abdelkader Salama

Thursday, 11 November 2004

1. Noureddine Khamis Mourtaja
2. Mohammed Ahmed Shaker Al-Kholi
3. Bilal Mohammed Abdelkader Dyab
4. Mohammed Jamil Amer Abu Marya

Sunday, 14 November 2004

Ashraf Majdi Hassan Daher

Wednesday, 17 November 2004

Intissar Jabr Ahmed Darwish

Friday, 19 November 2004

Jihad Ibrahim Abu Layla

Saturday, 20 November 2004

1. Amer Mohammed Darwish Bannat (15 years old)
2. Muntassir Jihad Marwan Hadada (15 years old)
3. Mohammed Khalil Ahmed Shahada

Sunday, 21 November 2004

1. Riyad Hassan Abdelfattah Tamous
2. Khalil Mohammed Shahada
3. Mohammed Ghassan Othman Liftawi
4. Sallam Yakoub Issa Abu Hilala
5. Nasser Said Bakr Jawabra

Tuesday, 23 November 2004

Hassan Abdellah Ramadan

Wednesday, 24 November 2004

1. Moussa Abdelfattah Ghariz
2. Mourad Ali Hassan Al-Kawasme
3. Omar Hisham Abdelfattah Al-Haymouni

Sunday, 28 November 2004

Mamoud Said Kishta (16 years old)

Monday, 29 November 2004

1. Samir Mahmoud Awad Hijazi
2. Moataz Abdullah Al-Rakhawi (18 years old)
3. Khamis Youssef Al-Ghazali
4. Mohammed Khalil Odeh Al-Kharroubi
5. Said Mohammed Tah

Thursday, 2 December 2004

Nabil Suleiman Mohammed Beirat

Friday, 3 December 2004

Mahmoud Hamdan Abdelrahman Hammad Kamil

Tuesday, 7 December 2004

1. Ismail Ahmed Al-Sawarqa
2. Amer Abdellah Salem Islim
3. Adham Ahmed Ayesh Hajila
4. Moumin Rajab Mohammed Rajab

Thursday, 9 December 2004

1. Karam Hassan Ali Al-shami
2. Walid Mosa'ad Al-Tarabeen
3. Rashad Ibrahim Atiya Abu-Sanima
4. Ayad Suleiman Ghayad
5. Abdelatti Salama Abu Sahbain

Friday, 10 December 2004

1. Rana Omar Siyam (7 years old)
2. Salah Omar Sheikh Eid

Saturday, 11 December 2004

Ramadan Mohammed Harazallah (16 years old)

Sunday, 12 December 2004

1. Almoueid Bihukmallah Khalil El-Agha
2. Salam Saber Shalouf
3. Ihsan Naim Hassan Al-Safi Shawahna

Tuesday, 14 December 2004

Samir Sultan Khafaja

Wednesday, 15 December 2004

Mustafa Jahini Al-Sawarqa

Thursday, 16 December 2004

1. Mohammed Khalil Khalil Mekdad Alawaj
2. Hassan Musa Al-Bana
3. Ashraf Baalousha
4. Hassan Mustafa Kabha

Friday, 17 December 2004

1. Mohammed Abu Rafii
2. Shadi Hussein Al-Haddad
3. Rami Ghazi Abu Saada
4. Said Aref Abdellah Abu Alsaid
5. Islam Abdelaziz Mohammed Al-Nabris
6. Khaled Abderrahman Ibrahim Abu Abida (18 years old)
7. Jihad Ramadan Abu Omar (16 years old)
8. Izzedine Said Mahmoud Hamdan
9. Hamed Issam Hamed Al-Rantisi (18 years old)
10. Ahmed Mohammed Ahmed Abu Radwan

Saturday, 18 December 2004

1. Ibrahim Abdelhamid Ayesh Al-Fara
2. Mohammed Mansour Berigh

Wednesday, 22 December 2004

1. Mohammed Khalil Ashraf Al-Jridli
2. Mohammed Khalil Ibrahim Abu Nasser
3. Ibrahim Hamdi El-Bayouk
4. Salim Mohammed Abdelhady Alssir

Thursday, 23 December 2004

1. Rami Kamel Abu Akr
2. Eid Mohammed Alabed Abu Namous

Friday, 24 December 2004

1. Jamal Khaled Azzam (16 years old)
2. Kamel Abdullah Kamel Sabarini (18 years old)
3. Eyad Azmi Ghannam

Saturday, 25 December 2004

Thaer Jamal Mohammed Abu Al-Kamel

Sunday, 26 December 2004

1. Mohammed Abdelsalam Abu Elrous
2. Mohammed Hamdane Abu Jabre
3. Tassahil Majdi Al-Hassanat (7 years old) (died from wounds sustained on 23 October 2004)

Monday, 27 December 2004

1. Mohammed Marzouk Ahmed Eidwan
2. Wael Mohammed Jabril Riyyahi

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Security Council
Fifty-ninth year

Identical letters dated 30 December 2004 from the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I wish to draw your attention to the fact that Israel, the occupying Power, continues the unlawful construction of the wall it has been building in the occupied Palestinian territory, including in and around East Jerusalem, and continues to carry out and impose the countless illegal measures comprising the wall's associated regime.

The occupying Power continues to confiscate land, destroy property, including homes, agricultural land and water resources, and to impose severe restrictions on the movement of Palestinian civilians in the areas in which the wall is being built, including by means of its apartheid-like permit system. This expansionist wall is part and parcel of Israel's ongoing attempts to colonize the Palestinian land, as revealed by its simultaneous construction of illegal settlements throughout the occupied Palestinian territory, particularly in East Jerusalem, and clearly aimed at the de facto annexation of large areas of the Palestinian land.

Israel continues to carry out all such illegal policies and practices in this regard in total violation of international law, including the Charter of the United Nations, international humanitarian law and human rights law, and in absolute contempt for the advisory opinion rendered on 9 July 2004 by the International Court of Justice, which concluded that Israel is under an obligation to cease the construction of the wall in the occupied Palestinian territory, including in and around East Jerusalem, dismantle forthwith the structure situated therein, repeal or render ineffective all legislative and regulatory acts relating thereto and make reparation for all damage caused by its construction. Moreover, Israel is doing so in blatant disregard for the will of the international community, as overwhelmingly affirmed in General Assembly resolution ES-10/15 of 20 July 2004, which demanded that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion.

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The continuation of this unlawful construction is exacerbating the humanitarian crisis being faced by the Palestinian people in the occupied Palestinian territory, increasing their daily suffering and intensifying their hardships. This wall continues to prevent civilians from accessing jobs, schools, hospitals and farmlands, and the consequent impact on the socio-economic conditions of the Palestinian people has been grave. Despite the immense humanitarian assistance being provided by the international community, the Palestinian economy continues to suffer, as unemployment and poverty are rising among the population as a result. In addition, the ever-expanding wall continues to isolate and separate Palestinian cities, towns and villages, completely undermining the territorial contiguity of the territory.

The suffocation of the Palestinian economy and the increased hardships being faced by the Palestinian people as a result of the combined impact of the wall, the settlements and the imposition of restrictions on movement throughout the occupied Palestinian territory were clearly exposed in a report about the specific situation in this regard in Bethlehem issued in December 2004 by the Office for the Coordination of Humanitarian Affairs and the Office of the United Nations Special Coordinator for the Middle East Peace Process, entitled "Costs of Conflict: the Changing Face of Bethlehem". The report succinctly describes the tragedy of Bethlehem as follows: "The glory of Bethlehem, a city of historical and religious importance for those of the Christian, Muslim and Jewish faiths alike, is vanishing."

The report indicates that there are currently 78 physical obstacles, including roadblocks and checkpoints in and around Bethlehem, in addition to 10.4 kilometres of the wall that have already been built and 18 illegal Israeli settlements in the Bethlehem district that have isolated the city and restricted the movement of its inhabitants as well as the entry of others to the city. The ancient link between Bethlehem and Jerusalem, which have traditionally been interdependent holy cities, has also been severed owing to the physical siege that is being imposed on the city. This has detrimentally affected access to the holy places, in violation of the right to worship, as Christian and Muslim worshippers are being restricted or denied access to the Al-Aqsa Mosque and the Church of the Holy Sepulchre in Jerusalem and to Rachel's Tomb, the Bilal Mosque and, of course, the Church of the Nativity in Bethlehem.

This siege has affected all aspects of life for Bethlehem's Palestinian inhabitants. Specifically, the city, which is heavily reliant on tourism, has suffered a steep economic decline as a result of the loss of tourists and pilgrims. As indicated in the report, in 2000, the average number of monthly visitors to Bethlehem was approximately 91,726, which declined to an average of 7,249 visitors in 2004. Moreover, the report states that "since 2000, a total of 28 hotels, 240 olive wood and mother-of-pearl workshops, and 50 restaurants have closed". As a result, the lack of jobs and income in this once-thriving city and the dim economic prospects have caused increased migration, particularly among the Christian population. According to the report, since September 2000, 9.3 per cent of Bethlehem's Christian population has migrated from the city. This wave of migration is altering the demographic composition of Bethlehem and destroying the cultural, ethnic and religious diversity that have traditionally characterized this holy city.

The urgency of this matter cannot be underestimated. It is imperative that the international community take the necessary measures to compel Israel, the occupying Power, to cease all of these illegal policies and practices that are

destroying the social fabric of the Palestinian society, undermining the territorial contiguity of the Palestinian territory and threatening to make physically impossible the implementation of the two-State solution and thus the prospects for a peaceful settlement. In this regard, we stress the importance of the timely establishment of the register of damages by the Secretary-General, as well as the report by Switzerland, in its capacity as depositary of the Geneva Conventions, with regard to measures by the High Contracting Parties to ensure respect by Israel for the Convention, both as part of the implementation of resolution ES-10/15. Israel must be compelled to comply with all of its legal obligations under international law, as mentioned in the advisory opinion and as demanded in countless Security Council and General Assembly resolutions.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations